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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

AUGUST IMAGE, LLC, a New York
Limited Liability Company,

Plaintiff,

v.

OKSANA G. BYCHKOVA, d/b/a “Oksana
Skin Esthetics,” an individual; and DOES 1-
10,

Defendants.

Case No.

PLAINTIFF’S COMPLAINT FOR
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

AUGUST IMAGE, LLC, by and through its undersigned attorneys, hereby
prays to this honorable Court for relief based on the following:

JURISDICTION AND VENUE

1. This action arises under the Copyright Act of 1976, 17 U.S.C. § 101, *et seq.*

2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331, 1338(a)-(b).

such agency, affiliation, alter-ego relationship, and/or employment; and actively participated in, subsequently ratified, and/or adopted each of the acts or conduct alleged, with full knowledge of each violation of Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

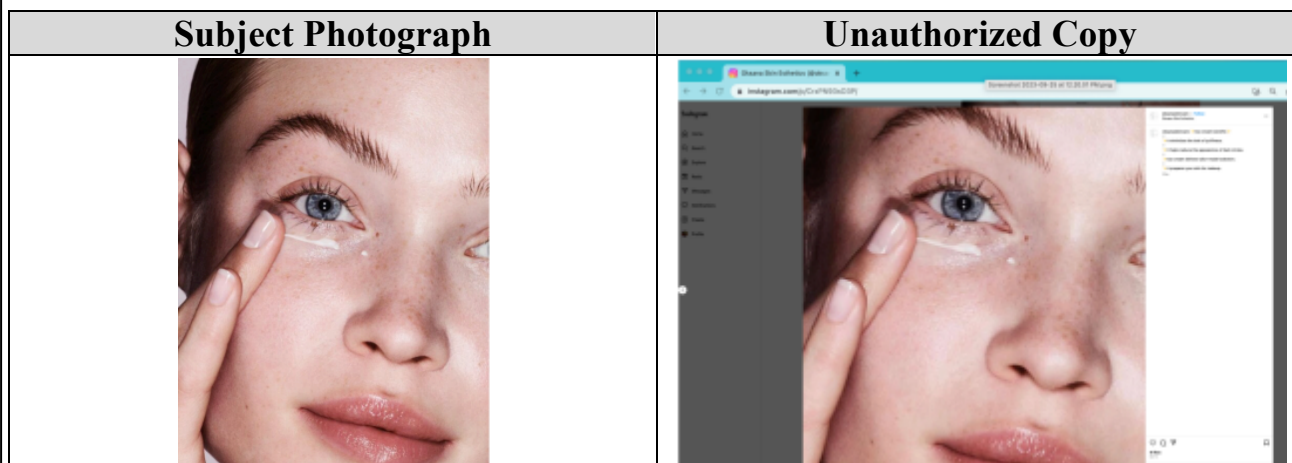
OKSANA'S UNAUTHORIZED EXPLOITATION OF THE SUBJECT PHOTOGRAPH

8. August is the exclusive syndicator of an original photo, AU259030, registered with the U.S. Copyright Office ("Subject Photograph"), and represents the photographer who took and owns the Subject Photograph. Accordingly, August has standing to maintain this action under 17 U.S.C. § 501(b).

9. Following the publication and display of the Subject Photograph, Defendants displayed, distributed, and/or otherwise exploited a verbatim copy of the Subject Photograph for commercial purposes on Oksana's Website without August's permission.

10. To the extent OKSANA exploited unauthorized copies of the Subject Photograph more than three years before the date of this pleading, August did not know, and had no reason to know, of such exploitation(s).

11. The Subject Photograph, and a screen capture of Oksana's unauthorized use thereof, is set forth below:



1 12. In September 2023, AUGUST sent correspondence to OKSANA
2 demanding that it cease and desist from further use of the Subject Photograph and to
3 provide AUGUST with information regarding the full scope of its use of the Subject
4 Photograph in an effort to explore an amicable resolution to this dispute. OKSANA
5 did not respond, necessitating this action.

6 **FIRST CLAIM FOR RELIEF**

7 **(For Copyright Infringement – Against All Defendants, and Each)**

8 13. Plaintiff incorporates by reference the allegations contained in the
9 preceding paragraphs of this Complaint.

10 14. Upon information and belief, Defendants had access to the Subject
11 Photograph, including, without limitation, through Plaintiff's and or its
12 photographer's website, profiles, galleries, exhibitions, social media pages, or
13 authorized licensees; viewing the Subject Photograph on Internet search engines or
14 third-party websites; and/or because the unauthorized copy displayed on Oksana's
15 Website is a verbatim copy of, and thus strikingly similar to, the Subject Photograph.

16 15. Defendants display and distributed the Subject Photograph on Oksana's
17 Website for commercial purposes without Plaintiff's permission.

18 16. Due to Defendants' acts of copyright infringement, Plaintiff has suffered
19 damages in an amount to be established at trial.

20 17. Due to Defendants' acts of copyright infringement, Defendants have
21 obtained profits they would not have realized but for their infringement. As such,
22 Plaintiff is entitled to disgorgement of Defendants' profits attributable to the
23 infringement in an amount to be established at trial.

24 18. Upon information and belief, Defendants committed copyright
25 infringement with actual or constructive knowledge of, or in reckless disregard or
26 willful blindness for, Plaintiff's rights, such that said acts of copyright infringement
27 were willful.
28

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

- a. That Defendants be enjoined from using the Subject Photograph in any manner that infringes the copyrights therein;
- b. That Plaintiff be awarded all Defendants' profits, plus all Plaintiff's losses, attributable to Defendants' infringement, the exact sum to be proven at the time of trial; or alternatively, if elected, statutory damages as available under 17 U.S.C. § 504;
- c. That Plaintiff be awarded its fees as available under 17 U.S.C. § 505;
- d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- e. That Plaintiff be awarded the costs of this action; and
- f. That Plaintiff be awarded such further legal and equitable relief as the Court deems proper.

JURY DEMANDED

Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 38 and the 7th Amendment to the United States Constitution.

Dated: March 6, 2024

DONIGER / BURROUGHS APC

By: /s/ Stephen M. Doniger
Stephen M. Doniger, Esq.
Benjamin F. Tookey, Esq.
Attorneys for Plaintiff